

\$~22

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 5979/2018 7 & CRL.M.A. 48173/2018

THOMAS MATHAI

..... Petitioner

Through: Mr. Arun Francis, Advocate

versus

STATE & ANR

.... Respondents

Through: Mr. Kamal Kumar Ghai, APP
Mr. Aditya Puar, Advocate for
respondent No.2

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

%

28.11.2018

1. The petitioner has moved the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.491/2014, dated 26.6.2014, under Sections 498A/406 of the Indian Penal Code, 1860, registered at PS:Amar Colony, New Delhi and the proceedings emanating therefrom.

2. The petitioner and respondent No.2 as well as their respective counsels submitted that the petitioner and respondent No.2 have settled the matter inter se between themselves on their own free will, without any force or coercion vide Separation and Settlement Agreement dated 29.5.2018, in terms whereof the petitioner and respondent No.2 have been granted divorce by mutual consent under Section 10A(2) of the Divorce

Act, 1869 vide judgment dated 15.9.2018, copy whereof has been handed over in Court today.

3. The learned APP, who is present in Court, has identified the petitioner as well as respondent No.2 and has also verified about the settlement and the divorce.

4. Respondent No.2 submitted that the matter has been settled on their own free will, without any force, pressure or coercion and she has no objection to the petition being allowed and quashing of the FIR.

5. In view of the aforesaid circumstances and the settlement arrived at between the petitioner and respondent No.2, this Court is of the view that no fruitful purpose would be served in keeping the parties entangled in the criminal proceedings. Accordingly, in the interest of justice, FIR No.491/2014, dated 26.6.2014, under Sections 498A/406 of the Indian Penal Code, 1860, registered at PS:Amar Colony, New Delhi and the proceedings emanating therefrom are quashed. The parties shall remain bound by the terms of the Settlement Agreement dated 29.5.2018.

6. Petition is disposed of in above terms.

CHANDER SHEKHAR, J

NOVEMBER 28, 2018/tp